



## COUNCIL MINUTES

February 2, 2009

The City Council of the City of Mesa met in a Regular Council Meeting in the Council Chambers, 57 East 1st Street, on February 2, 2009 at 5:45 p.m.

### COUNCIL PRESENT

Mayor Scott Smith  
Alex Finter  
Dina Higgins  
Kyle Jones  
Dennis Kavanaugh  
Dave Richins  
Scott Somers

### COUNCIL ABSENT

None

### OFFICERS PRESENT

Christopher Brady  
Debbie Spinner  
Linda Crocker

Invocation by Reverend Dr. Jim Farrer, First United Methodist Church.

Pledge of Allegiance was led by Dominic Kristich, Troop 288.

Mayor's Welcome.

Mayor Smith welcomed everyone to the meeting. A videotaped presentation was aired that outlined meeting procedures and provided attendees with instructions relative to addressing the Council.

### 1. Take action on all consent agenda items.

All items listed with an asterisk (\*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the consent agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

Mayor Smith noted that item 5a was amended during the Study Session to reflect "parcels in excess of twenty (20) acres" rather than ten (10) acres.

It was moved by Vice Mayor Jones, seconded by Councilmember Somers, that the consent agenda items be approved.

Carried unanimously.

\*2. Approval of minutes of previous meetings as written.

Minutes of the January 26, 2009 Council meetings.

3. Take action on the following liquor license applications:

\*3a. Commemorative Air Force Arizona Wing Museum

This is a one day charitable event to be held on Saturday, March 21, 2009 from 4:30 p.m. to 11:30 p.m. at 2017 N. Greenfield Road **(District 5)**.

\*3b. Wine 2 U

New Beer & Wine Store License for Wine 2 U, 2450 W. Broadway Road, Wine 2 U Distribution LLC – Steven C. Day, Agent. No previous liquor license at this location **(District 3)**.

\*3c. Olive Garden Italian Restaurant #1375

New Restaurant License for Olive Garden Italian Restaurant #1375, 6201 E. Southern Avenue, N and D Restaurants Inc. – Andrea Dahlman Lewkowitz, Agent. The previous Restaurant License held at this location by GMRI Inc. will revert back to the State **(District 6)**.

\*3d. Olive Garden Italian Restaurant #1661

New Restaurant License for Olive Garden Italian Restaurant #1661, 1261 W. Southern Avenue, N and D Restaurants Inc. – Andrea Dahlman Lewkowitz, Agent. The previous Restaurant License held at this location by GMRI Inc will revert back to the State **(District 3)**.

\*3e. Red Lobster #667

New Restaurant License for Red Lobster #667, 6149 E. Southern Avenue, N and D Restaurants Inc. – Andrea Dahlman Lewkowitz, Agent. The previous Restaurant License held at this location by GMRI Inc will revert back to the State **(District 6)**.

\*3f. Red Lobster #6219

New Restaurant License for Red Lobster #6219, 1403 S. Alma School Road, N and D Restaurants Inc. – Andrea Dahlman Lewkowitz, Agent. The previous Restaurant License held at this location by GMRI Inc will revert back to the State **(District 3)**.

\*3g. Romano's Macaroni Grill

New Restaurant License for Romano's Macaroni Grill, 1705 S. Stapley Drive, Mac Acquisitions LLC – Clare Hollie Abel, Agent. The previous Restaurant License held at this location by Brinker Restaurant Corp. will revert back to the State **(District 4)**.

4. Take action on the following resolutions:

- \*4a. Approving and authorizing the City Manager to execute a Grant Agreement with the Governor's Office for Children, Youth and Families to secure pass-through grant funds in the amount of \$19,716 for A New Leaf – Resolution No. 9447 **(Related to Item 4b)**.
- \*4b. Approving and authorizing the City Manager to execute an Agreement with A New Leaf to administer the grant funds in the amount of \$19,716 received from the Governor's Office for Children, Youth and Families – Resolution No. 9448 **(Related to Item 4a)**.
- \*4c. Approving and authorizing the City Manager to execute a Grant Agreement with the Governor's Office for Children, Youth and Families to secure pass through grant funds in the amount of \$100,000 for A New Leaf – Resolution No. 9449 **(Related to Item 4d)**.
- \*4d. Approving and authorizing the City Manager to execute an Agreement with A New Leaf to administer the grant funds in the amount of \$100,000 received from the Governor's Office for Children, Youth and Families – Resolution No. 9450 **(Related to Item 4c)**.

5. Introduction of the following ordinances and setting February 17, 2009, as the date of the public hearing on these ordinances:

- \*5a. Amending Sections 11-1-6, 11-4-3, and 11-17-6 of the Zoning Ordinance. The amendment proposes to add group foster homes on parcels in excess of twenty (20) acres as a land use classification eligible for approval by a Special Use Permit when located within the R1-90 and R1-43 zoning districts, and set appropriate criteria for evaluation of such requests. When considered as part of the Special Use Permit application, the amendment would also permit accessory activities directly associated with a group foster home on a parcel in excess of twenty (20) acres, such as administrative offices, on-site residential buildings for staff members, education buildings, both outdoor and indoor recreation facilities, and retail activities. The proposal would also consider the use of modular buildings for the identified uses.

P&Z Recommendation: Adoption. (Vote: 7-0).

- \*5b. Amending Title 5, Chapter 7 of the Mesa City Code relating to the definition of secondhand dealer, requirements applicable to secondhand dealers and pawnbrokers and creation of exclusions from requirements applicable to secondhand dealers.
- \*5c. Modifying the Terms and Conditions for the Sale of Utilities relating to the modifications to the Annexation Policy.
- \*5d. **A08-07 (District 5)** Annexing land located south of University Drive and east of Higley Road (29.60 +/- ac). Initiated by Craig Ahlstrom for the property owner, Dreamland Golf Ltd. Partnership. Staff Recommendation: Approval **(Continued from the January 26, 2009 Council meeting)**.

6. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (\*), a blue card must be given to the Clerk before Council votes on the consent agenda:

\*6a. **A08-07 Deleted.**

\*6b. **A08-14 (District 5)** Annexing land located south of McDowell Road and east of Higley Road (0.08 +/- ac.). Initiated by Michael Gallego for the property owner, Ronald Barney – Ordinance No. 4911. Staff Recommendation: Approval.

\*6c. **A08-38 (District 6)** Annexing land located north of Southern Avenue and west of Ellsworth Road (1.11 +/- ac.). Initiated by Carlos Dominguez for the property owner, Masjid Abu Baker – Ordinance No. 4912. Staff Recommendation: Approval.

7. Items from citizens present:

There were no items from citizens present.

8. Adjournment.

Without objection, the meeting adjourned at 5:53 p.m.

---

SCOTT SMITH, MAYOR

ATTEST:

---

LINDA CROCKER, CITY CLERK

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Council Meeting of the City Council of Mesa, Arizona, held on the 2<sup>nd</sup> day of February 2009. I further certify that the meeting was duly called and held and that a quorum was present.

---

LINDA CROCKER, CITY CLERK

baa